

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEW MEXICO**

**DELLA SHERWOOD, Individually and  
as Guardian and Next Friend of  
NANETTE ROMERO and C.S.,**

**Plaintiff,**

**vs.**

**No. CV 09-722 JC/WDS**

**THE BOARD OF COUNTY COMMISSIONERS  
OF SANTA FE COUNTY; GREG SOLANO;  
BOB ORTIZ; GREG PARRISH; LAURA KAY, M.D.;  
TERRI GREER, PH.D.; NANCY FUDGE, RN; and  
MICHAEL SANDS**

**MAGISTRATE JUDGE'S FINDINGS AND RECOMMENDATIONS  
REGARDING APPROVAL OF SETTLEMENT  
AND DISMISSAL WITH PREJUDICE**

THIS MATTER having come before the Court upon the Order of Reference [Doc.#51] and the joint motion of the parties for the Magistrate Judge to make findings and recommendations regarding the proposed approval of the settlement insofar as it involves the claims of Nanette Romero, a person under disability, and C.S., a minor [Doc. No. 52]; hearing having been held before the Court on July 7, 2010; the Court having heard from counsel for Plaintiff and Defendants as well as having received the reports and testimony of Shannon Bulman as guardian ad litem for Nanette Romero and Kathleen Oakey as guardian ad litem for C.S.; having heard the testimony of Plaintiff Della Sherwood, the conservator for Nanette Romero and the adoptive mother of C.S.; having reviewed the terms of the settlement and being otherwise fully advised in the premises:

**FINDS AND RECOMMENDS as follows:**

1. That Plaintiff and Defendants have represented to the Court that all matters in controversy have been fully settled and compromised as set forth in the settlement agreement and release attached hereto as Exhibit "A";

2. That the settlement between Plaintiff and Defendant Board of County Commissioners of Santa Fe County ("Santa Fe County") is fair, reasonable and in the best interest of the minor child C.S. and Nanette Romero, a person under disability, and should be approved by the Court;

3. That Senior United States District Judge John E. Conway should enter an order approving the settlement and dismissing with prejudice all causes of action which could have been stated herein against Defendants;

4. That said order should approve the amounts to be paid to or on behalf of Nanette Romero, C.S. and Della Sherwood as set forth in Exhibit "A" hereto;

5. That said order should order the creation of and establishment of the Nanette Romero Medicaid Pay Back Trust which is attached hereto as Exhibit "B";

6. That said order should approve Plaintiff's counsel's attorneys' fees and expenses in the total amount of \$703,786.29 plus future expenses;

7. That said order should provide that upon completion of the responsibilities set forth in said order the Guardians ad Litem shall be released from further duties; and

8. That each party shall bear its attorneys fees and costs.

THIS COURT THEREFORE RECOMMENDS that Senior United States District Judge John E. Conway enter an order finding: that the settlement between Plaintiff and Santa Fe County, insofar as it involves the claims of Nanette Romero and C.S., is fair and reasonable and is approved and accepted by the Court; that Plaintiff's counsel's attorneys' fees and expenses be approved; that the specified payments in the settlement agreement be approved; that the Court order the creation and establishment of the Nanette Romero Medicaid Pay Back Trust; that upon completion of their duties the Guardians ad Litem be released of further obligations; that all causes of action which were or could have been stated herein on behalf of Nanette Romero and C.S. against Defendants, as well as all other claims of Plaintiff, be dismissed with prejudice and; that each party bear its own attorneys' fees and costs.



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Honorable W. Daniel Schneider  
United States Magistrate Judge

APPROVED:

Approved Electronically

Robert R. Rothstein

Mark H. Donatelli

John C. Bienvenu

*Attorneys for Plaintiff Della Romero, Individually  
and as Guardian and Next Friend of Nanette Romero  
and C.S.*

APPROVED:

Approved Electronically

Jeffrey L. Baker

Rennie Zifferblatt

*Attorneys for Defendant Board of  
Commissioners of Santa Fe County*

APPROVED:

Approved Electronically

Jerry A. Walz

*Attorney for Defendant Laura Kay, M.D.*

APPROVED:

Approved Electronically

Elizabeth L. German

*Attorney for Defendant Nancy Fudge*

APPROVED:

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*Attorneys for Defendant Terri Greer, Ph.D.*

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